IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. RAY CHARLES HARRIS, Appellant.	No. 39497-9-II UNPUBLISHED OPINION

Quinn-Brintnall, J. — A Pierce County jury found Ray Charles Harris guilty of bail jumping. On appeal, Harris challenges the sufficiency of the evidence, arguing that the State failed to prove that he received notice of the hearing at which he failed to appear.[1] We affirm.

FACTS

On August 8, 2008, the State charged Harris with one count of unlawful possession of a controlled substance (methadone). Harris was in custody and trial was set for October 2, 2008. On October 2, the court granted the State's motion to continue the trial and scheduled an omnibus hearing for October 8, 2008. The court also considered a motion by Harris's attorney to withdraw, and it granted that motion as well. Harris's new attorney filed a notice of appearance

[1] A commissioner of this court considered this matter pursuant to RAP 18.14 and referred it to a panel of judges.

on October 6, 2008.

Harris posted bail on October 3. He did not appear at the October 8 omnibus hearing. The court authorized a bench warrant and, on December 9, 2008, the State filed an amended information, adding a charge of bail jumping.

At trial, the State produced a copy of the order granting the continuance. The order shows the date for the omnibus hearing as October 8, 2008. It is signed by the defense attorney, but it has no signature from Harris himself. Instead, the words "Defendant objects" appear on the defendant's signature line. Clerk's Papers at 3.

Deputy Prosecuting Attorney Jessica Giner testified that she was present on October 8, and Harris did not appear. She acknowledged that she had not been present on October 2, but she said that the words "Defendant objects" in place of Harris's signature indicated he was present for that hearing. Report of Proceedings at 119. She explained that defendants frequently object to the continuation of a trial date and do not sign the order. In such cases, words like those used here are written in to indicate that the defendant was present and was aware of the new dates.

Harris testified that he remembered a court hearing on October 2, but later said that he had never been in a courtroom until the day of trial. He claimed that he did not remember seeing the October 2 order. He said that he thought he was supposed to be in court on October 12.

The jury returned a guilty verdict on the bail jumping charge, but they were unable to reach a verdict on the possession charge and the State ultimately dismissed it.

ANALYSIS

A challenge to the sufficiency of the evidence admits the truth of the State's evidence and

all inferences that can reasonably be drawn therefrom. *State v. Turner*, 103 Wn. App. 515, 520, 13 P.3d 234 (2000). Circumstantial evidence is as reliable as direct evidence. *Turner*, 103 Wn. App. at 520. In considering a claim of insufficiency, we view the evidence in the light most favorable to the prosecution and determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *State v. Scoby*, 117 Wn.2d 55, 61, 810 P.2d 1358, 815 P.2d 1362 (1991).

The evidence showed that October 2, 2008, was the date set for trial. The State moved to continue the trial and defense counsel moved to withdraw. The court granted both motions and scheduled an omnibus hearing for October 8, 2008. Harris was in custody on October 2, 2008, and it is virtually certain that he would have been brought to court on the day scheduled for trial. It is also highly unlikely that the court would have granted counsel's motion to withdraw without hearing from Harris. Finally, deputy prosecutor Giner testified that the purpose of the language in the space for the defendant's signature was to indicate that the defendant was present. The evidence was sufficient to permit a reasonable inference that Harris was in court on October 2 and received notice that his appearance was required on October 8.

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

QUINN-BRINTNALL, J.

We concur:

VAN DEREN, J.

PENOYAR, C.J.